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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,639	02/23/2004	Christopher Tesluk	1832K US	8172
54964	7590	07/05/2006	EXAMINER	
TYCO HEALTHCARE - EDWARD S. JARMOLOWICZ			ROST, ANDREW J	
15 HAMPSHIRE STREET			ART UNIT	
MANSFIELD, MA 02048			PAPER NUMBER	
			3751	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/784,639		TESLUK ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Andrew J. Rost		3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/18/05, 6/30/05, 5/27/05, 8/9/04</u>                                     | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure contains the following informalities:  
  
Page 2, line 8, states "Serial No. --/---,---", the appropriate number needs to be inserted.  
  
Appropriate correction is required.
2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 3, 14 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.  
  
Claims 3 and 14 recite the limitation of "upon disconnect of the fluid conduit, said valve is adapted to approximate pneumatic characteristics of the fluid port having the valve in an open position" is unclear. It is unclear as to how the characteristics are proved once the valve is disconnected and as to the meaning of approximate pneumatic characteristics.
5. Claim 20, line 1 recites the limitation "the valve". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Summerville (2,628,850).

Regarding claims 1 and 3, Summerville discloses a fluid connector apparatus having a connector with a plurality of fluid ports (ports defined by shouldered end portions 16) that facilitate connection to fluid conduits (18, 40) and a valve (25) in a fluid port with the valve operable to be opened and closed.

In regards to claims 2 and 5, Summerville discloses a first connector (defined by portion 36) and a second connector (defined by box structure 10) that are removable from each other.

In regards to claims 4, 6, and 7, Summerville discloses a valve that completely closed the fluid port (valve in closed position in lower portion of Fig. 1) with the valve having a plunger (30) that is biased by a spring (26) with the plunger contacting a cap portion (32) to aid in the support of the valve with plunger and spring to create an orifice to promote pneumatic behavior in the valve.

Art Unit: 3751

In regards to claim 8, Summerville discloses a gasket (42) disposed between the first and second connectors when the first connector is attached to the second connector.

In regards to claims 9 and 10, Summerville discloses the second connector having a locking arm (50) placed in a slot (54) that secures the first connector to the second connector (Fig. 2).

Regarding claim 11, Summerville discloses a fluid connector apparatus having a first connector (defined by box structure 10) defining a plurality of ports (ports defined by shouldered end portions 16) with a valve (25) within a coupling port and a second connector (defined by portion 36) that connects with the first connector.

In regards to claims 12-16, Summerville discloses the valve having a spring (26) that contacts a plunger (30) with the plunger contacting a cap (32) that supports the plunger and spring while the plunger is displaced by an engagement portion of a gasket (42) between an opened position (open position shown in upper portion of Fig. 1) and a fully closed position (closed position shown in lower portion of Fig. 1). The coupling port promotes the pneumatic characteristics of the valve.

In regards to claims 17 and 18, Summerville discloses the first connector having a locking arm (50) that is received in a slot (48) of the second connector to aid in the connection of the first and second connectors.

Regarding claims 19 and 20, Summerville discloses the first connector (defined by box structure 10) having a plurality of ports (ports defined by

Art Unit: 3751

shouldered end portions 16), a second connector (defined by portion 36) with a plurality of ports (second ports defined by shouldered end portions 39) and restrictor means (valve 25) located in the first connector that reduces the flow of fluid through a connection with the valve closing the fluid port.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mitchell (2,638,915) discloses a fluid coupling having a first connector, a second connector and a valve within the connectors. Riester et al. (3,469,863) disclose a fluid coupling having a first connector, a second connector and a gasket located between the connectors. Kraynick (4,754,993) discloses a conduit harness having a first connector and a second connector each having a plurality of fluid ports. Rose et al. (6,547,284) disclose a first and second connector having a valve within the connectors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew J. Rost whose telephone number is 571-272-2711. The examiner can normally be reached on 7:30-5 M-Th and 7:30-5 every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew J Rost  
Examiner  
Art Unit 3751



JUSTINE R. YU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

6/26/06